

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

November 15, 2005

Clerk of Court

SUE PEREZ,

Plaintiff-Appellant,

v.

UNITED AIR LINES, INC.,

Defendant,

and

INTERNATIONAL ASSOCIATION
OF MACHINISTS AND
AEROSPACE WORKERS,

Defendant-Appellee.

No. 05-1127
(D.C. No. 02-F-1967 (MJW))
(D. Colo.)
(362 F. Supp.2d 1230)

ORDER AND JUDGMENT *

Before **TYMKOVICH** , **PORFILIO** , and **BALDOCK** , Circuit Judges.

After examining the briefs and appellate record, this panel has determined
unanimously that oral argument would not materially assist the determination of

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

Plaintiff Sue Perez appeals the district court's grant of summary judgment in favor of defendant International Association of Machinists and Aerospace Workers (IAM) on her claims alleging that, after her termination from United Air Lines, IAM failed to provide her with fair representation in violation of Title VII, discriminated against her based on her gender, and retaliated against her because she complained of gender-based discrimination by United. Ms. Perez argues that there were genuine issues of material fact that precluded summary judgment.

We review the district court's grant of summary judgment *de novo*, applying the same legal standard used by the district court. Summary judgment is appropriate if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. When applying this standard, we view the evidence and draw reasonable inferences therefrom in the light most favorable to the nonmoving party.

Kendrick v. Penske Transp. Servs., Inc. , 220 F.3d 1220, 1225 (10th Cir. 2000) (quotations and citations omitted). We have carefully reviewed the record, the parties' briefs, the district court's order, and the applicable law. We affirm for the reasons set forth in the district court's published opinion, *Perez v. United Air Lines, Inc.* , 362 F. Supp.2d 1230 (D. Colo. 2005).

The judgment of the district court is AFFIRMED.

Entered for the Court

John C. Porfilio
Circuit Judge